

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY ANTHONY NESBY,

Defendant.

Case No. 01-cv-40047-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Larry Anthony Nesby's *pro se* motion for sentence reduction (Doc. 252). On July 14, 2011, Nesby filed a *pro se* motion for retroactive application of the crack cocaine guidelines (Doc. 245). Through Administrative Order 137, this Court appointed counsel for Nesby (Doc. 246). A litigant does not have a right to file his own motions when he is represented by counsel. *See Hayes v. Hawes*, 921 F.2d 100, 102 (7th Cir. 1990) (*per curiam*). "Representation by counsel and self-representation are mutually exclusive." *Cain v. Peters*, 972 F.2d 748, 750 (7th Cir. 1992). So-called "hybrid representation" confuses and extends matters at trial and in other proceedings and, therefore, it is forbidden. *See United States v. Oreye*, 263 F.3d 669, 672-73 (7th Cir. 2001). The court may strike as improper any such *pro se* motions. *See, e.g., United States v. Gwiazdzinski*, 141 F.3d 784, 787 (7th Cir. 1998). Accordingly, the Court **DIRECTS** the Clerk of Court to **STRIKE** Nesby's *pro se* filing (Doc. 252). The Court suggests Nesby contact the Federal Public Defender's office for a status update on his case.

IT IS SO ORDERED.

DATED: December 2, 2013

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE